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April 8, 2022

BY EMAIL AND ECF

The Honorable Raymond J. Dearie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: United States v. Ricardo Alberto Martinelli Linares, 21 Cr. 65 (RJD)

Dear Judge Dearie:

We represent, respectively, Ricardo Martinelli Linares and Luis Martinelli Linares, brothers and co-defendants in the above-captioned case. Your Honor accepted guilty pleas from Ricardo and Luis in December 2021.

At Ricardo Martinelli's December 14, 2021 plea hearing, the Court set a control date for sentencing of May 13, 2022 after denying his request for pre-sentencing bail. *See* Ex. A, Tr. of Dec. 14, 2021 Plea Hr'g, at 23-29.¹ But the Court stated—after the undersigned counsel requested expedited sentencing ahead of an anticipated application for a sentence of time served—that it would be willing to move up the sentencing date. *See id.* at 23:24-24:3, 29:11-14 (“I understand that [request for expedited sentencing] and we’ll be ready when you are, let’s put it that way. Given the full range of circumstances it seems appropriate that the Probation Department be encouraged to give this their immediate attention. . . . I think the thing to do, as we’ve suggested already during the discussion, is to move it promptly through the presentence phase and get the man and his brother up for sentencing and we’ll see what happens.”).

Probation issued a final PSR for Luis Martinelli on March 28, and completed a draft PSR for Mr. Martinelli on March 30 for which Probation is in receipt of defense counsel's objections and requests for correction.

¹ The Court had previously set a control date of May 20, 2022, for Luis Martinelli's sentencing. *See* Minute Entry, Dec. 2, 2021. Both brothers pled guilty to the same single count of money laundering conspiracy.

Last Monday, April 4, defense counsel asked the government for its position on the defense's anticipated request that the Court advance sentencing ahead from May 13 to the week of April 25. This morning, counsel for the government told us it opposes any advancement of Mr. Martinelli's sentencing date because the government is "continuing to gather information for the sentencing hearings, including awaiting additional information from Panama on the country's position as a victim for purposes of restitution." M. Harper email to S. Hecker et al, Friday, April 8, 2022, 8:31 AM.

All parties have had ample time to prepare for sentencing. The government has been on notice since Mr. Martinelli's December 14, 2021 plea hearing both that Mr. Martinelli was seeking expedited sentencing ahead of his May 13, 2022 control date, and that the Court was willing to advance that date subject to Probation's preparation of the PSR—a process that is substantially complete and poses no obstacle to a reasonable advancement of the sentencing hearings.

In view of the parties' time for preparation, Probation's progress on the relevant PSRs, and the undersigned counsel's request in December 2021 for expedited sentencing in this matter, we respectfully request that the Court advance Mr. Martinelli and his brother's sentencing dates. Subject to the Court's availability, defense counsel for both Ricardo and Luis Martinelli are available on Monday, April 25, Wednesday, April 27, and Thursday, April 28. Should the Court schedule a joint sentencing hearing for any of these three dates, we propose that sentencing submissions be due:

- For a hearing on Monday, April 25: defense submissions due Thursday, April 14; government submission due Thursday, April 21; defense reply due Friday, April 22.
- For a hearing on Wednesday, April 27, or Thursday, April 28: defense submissions due Monday, April 18; government submissions due Monday, April 25; defense reply due Tuesday, April 26.

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Should the Court require or prefer such an arrangement, both Ricardo and Luis Martinelli would consent to have their sentencing hearing proceed by videoconference.

Thank you for your consideration of this matter.

Respectfully submitted,



Sean Hecker

Justin Horton

Counsel for Ricardo Martinelli Linares

James G. McGovern

Samuel Rackear

Counsel for Luis Martinelli Linares

cc: AUSA Alixandra E. Smith, Trial Attorneys Michael C. Harper, Michael Redmann, Senior U.S. Probation Officer Shayna Bryant